In the High Court of Uttaranchal, at Nainital.

Government Appeal No. 1259/2001
(Old No. 1365/1993)

State of U.P. ... Appellant.

Versus

1- Naseem S/o Abdul Majeed
2- Jamila W/o Naseem
3- Naseem S/o Raham Ilahi,
All R/o Village Lathaura,
District Hardwar ..Respondent.

Sri Nandan Arya learned A.G.A. for the State.
Sri Rajendra Singh, learned counsel for the respondents.

Hon'ble B.C. Kandpal, J.

This appeal has been preferred by the State against the judgment and order dated 11-5-1993, passed by Sessions Judge, Haridwar in S.T. No. 30/1990 State Vs. Naseem and others, thereby acquitting the accused/respondents for the offences U/Ss 363, 366 and 376 I.P.C.

2- Heard learned A.G.A., Sri Rajendra Singh, learned counsel for the respondents and perused the record.

3- I have perused the statement of Km. Sajida prosecutrix and the deposition of prosecutrix shows that she remained in the company of the accused in Tonga and bus. She also traveled with the accused upto Ludhiana but she never raised any hue and cry during this period. The age of the prosecutrix on the basis of medical evidence was 18-19 years on the date of occurrence.

4- The trial court has assessed the evidence adduced by the prosecution in detail. The trial court has also discussed the evidence of the prosecutrix from all corners.

5- I do not find any perversity in the impugned judgment and order passed by the trial court acquitting the accused/respondents. The view adopted by the trial court is absolutely justified and it cannot be said that the evidence of the prosecution witnesses has wrongly been appreciated.

6- I do not find any force in this appeal and this appeal filed against the acquittal of the accused/respondents is accordingly dismissed.

(B.C. Kandpal, J.)

Dated: 18-8-2006
ISB